

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re: FAIRFIELD SENTRY LIMITED, et al., Debtor in Foreign Proceedings.	Chapter 15 Case Case No. 10-13164 (CGM) Jointly Administered
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. THEODOOR GGC AMSTERDAM, et al., Defendants.	Adv. Pro. No. 10-03496 (CGM) Administratively Consolidated
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. CITIBANK NA LONDON, et al., Defendants.	Adv. Pro. No. 10-03622 (CGM)
FAIRFIELD SENTRY LTD. (IN LIQUIDATION), et al., Plaintiffs, v. BGL BNP PARIBAS S.A., et al., Defendants.	Adv. Pro. No. 10-03626 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS SECURITIES SERVICES
LUXEMBOURG, et al.,

Defendants.

Adv. Pro. No. 10-03627 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

HSBC SECURITIES SERVICES
(LUXEMBOURG) S.A., et al.,

Defendants.

Adv. Pro. No. 10-03630 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

HSBC PRIVATE BANK (SUISSE) SA, et al.,

Defendants.

Adv. Pro. No. 10-03633 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ZURICH CAPITAL MARKETS CO., et al.,

Defendants.

Adv. Pro. No. 10-03634 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,

Defendants.

Adv. Pro. No. 10-03635 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,

Defendants.

Adv. Pro. No. 10-03636 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

UBS AG NEW YORK, et al.,

Defendants.

Adv. Pro. No. 10-03780 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS ARBITRAGE SNC, et al.,

Defendants.

Adv. Pro. No. 10-04098 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS PRIVATE BANK & TRUST
CAYMAN LTD., et al.,

Defendants.

Adv. Pro. No. 10-04099 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

UBS EUROPE SE LUXEMBOURG
BRANCH, et al.,

Defendants.

Adv. Pro. No. 11-01250 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

MERRILL LYNCH INTERNATIONAL,
et al.,

Defendants.

Adv. Pro. No. 11-01463 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS SECURITIES NOMINEES
LTD., et al.,

Defendants.

Adv. Pro. No. 11-01579 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

FORTIS BANK, SA/NV, et al.,

Defendants.

Adv. Pro. No. 11-01617 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

CITIGROUP GLOBAL MARKETS LTD.,
et al.,

Defendants.

Adv. Pro. No. 11-02770 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS ESPANA, et al.,

Defendants.

Adv. Pro. No. 12-01551 (CGM)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

CITCO GLOBAL CUSTODY NV et al.,

Defendants.

Adv. Pro. No. 19-01122 (CGM)

**SCHEDULING ORDER ON PERSONAL JURISDICTION BRIEFING AND
DISCOVERY**

WHEREAS, on September 15, 2021, the Court instructed the parties to submit a joint scheduling order or competing scheduling orders for briefing motions to dismiss for lack of personal jurisdiction (9/15/2021 Hr’g Tr. at 18:1–6);

~~WHEREAS, the Court reiterated at the September 15, 2021 conference that Plaintiffs are entitled to proceed with discovery in aid of personal jurisdiction and instructed that Plaintiffs “[have] got to have discovery to get personal jurisdiction” (9/15/2021 Hr’g Tr. at 9:19–20);~~

WHEREAS, between August 17, 2021 and September 14, 2021 Plaintiffs served on Defendants in all actions other than No. 19-ap-01122 requests for the production of documents and interrogatories relating to personal jurisdiction, among other topics (“Plaintiffs’ Initial Discovery to Non-Citco Defendants”);

WHEREAS, Plaintiffs intend to serve on Defendants in No. 19-ap-01122, on or before September 27, 2021, requests for the production of documents and interrogatories relating to personal jurisdiction, among other topics (collectively, with Plaintiffs’ Initial Discovery to Non-Citco Defendants, “Plaintiffs’ Initial Discovery”);

WHEREAS, Defendants have taken the position that Liquidators are not entitled to jurisdictional discovery in aid of their oppositions; and

WHEREAS, on September 17 and 21, 2021, the parties met and conferred on the issue of a scheduling order that accommodates jurisdictional discovery, and have reached an impasse;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

*1. Defendants shall file their motions to dismiss, solely on personal jurisdiction grounds (“PJ Motions”), by ~~October 8, 2021~~; **October 29, 2021; a separate motion must be filed by each Defendant in each adversary proceeding;***

2. ~~Except for the HSBC Defendants, as to which the parties agree the HSBC Defendants shall serve Responses and Objections to Plaintiffs' Initial Discovery directed at HSBC Defendants by September 29, 2021, Defendants¹ shall serve responses and objections to Plaintiffs' Initial Discovery by the earlier of (a) 30 days from the parties' respective conferences pursuant to Federal Rule of Civil Procedure 26(f), or (b) **October 27, 2021**;~~

3. ~~The parties shall meet and confer regarding Plaintiffs' Initial Discovery and Defendants' responses and objections thereto by **November 3, 2021**;~~

4. ~~Plaintiffs shall file motions to compel discovery in aid of personal jurisdiction ("PJ Discovery Motions"), if any, by **November 5, 2021**, and Defendants shall file oppositions thereto by **November 12, 2021**;~~

5. ~~The Court shall hear argument on the PJ Discovery Motions at the **November 17, 2021** conference;~~

6. ~~The parties shall substantially complete the production of document discovery in aid of personal jurisdiction by **December 31, 2021**, and depositions, if any, shall be completed by **February 15, 2022**;~~

7. Plaintiffs shall file their oppositions to Defendants' PJ Motions by **March 15, 2022**; ***separate opposition briefs shall be filed for each PJ motion***;

8. Defendants shall file their replies in further support of their PJ Motions by **March 31, 2022**.

9. The Court shall hear argument on the PJ Motions to dismiss at the **April 20, 2022** conference.

¹ HSBC Defendants are defined as HSBC Private Bank (Suisse) S.A., HSBC Securities Services (Luxembourg) S.A., and HSBC Bank USA, N.A.

~~10. — Deadlines for merits discovery not addressed by this Order have been or will be negotiated and subject to corresponding Rule 26(f) scheduling orders.~~

11. *The parties are to proceed with discovery according to the Federal Rules of Civil Procedure.*

**Dated: September 28, 2021
Poughkeepsie, New York**



/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge**